

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

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|----------------------------------|---|-----------------------|
| RONELL NICHOLS, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | No. 23-cv-3157 |
| | : | |
| E. JUDDUE, <i>et al.</i>, | : | |
| Defendants. | : | |

ORDER

AND NOW, this 6th day of February, 2024, upon consideration of Plaintiff Ronell Nichols's *pro se* Amended Complaint and Exhibits thereto (ECF Nos. 9, 10), it is **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to **ADD** Correctional Officer Ford and Ms. Dana as Defendants.
2. The Amended Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for the reasons stated in the Court's Memorandum as follows:
 - a. Nichols's official capacity claims, his failure to protect claims against McFadden, Gowah, and Barclay, his access to courts claim against Ms. Dana, and his claims against Warden Williams based on alleged failure to respond to grievances are **DISMISSED WITH PREJUDICE**;
 - b. Nichols's Thirteenth Amendment claim is **DISMISSED WITHOUT PREJUDICE**.
3. The Clerk of Court is **DIRECTED** to **TERMINATE** McFadden, A. Gowah, Barclay, and Ms. Dana as Defendants.

4. Nichols may file a second amended complaint within thirty (30) days of the date of this Order. Any second amended complaint must identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint, shall state the basis for Nichols's claims against each defendant, and shall bear the title "Second Amended Complaint" and the case number 23-3157. The second amended complaint shall be a complete document that does not rely on the initial Complaint, the Amended Complaint, or other papers filed in this case to state a claim. **If Nichols files a second amended complaint, his second amended complaint must be a complete document that includes all of the bases for Nichols's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the second amended complaint will not be considered part of this case.** When drafting his second amended complaint, Nichols should be mindful of the Court's reasons for dismissing the claims in his Amended Complaint as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

5. If Nichols does not file a second amended complaint the Court will direct service of his Amended Complaint on Defendant Ford only so that Nichols may proceed on his remaining retaliation claim. Nichols may also notify the Court that he seeks to proceed on this claim rather than file a second amended complaint. If he files such a notice, Nichols is reminded to include the case number for this case, 23-3157.

6. The Clerk of Court is **DIRECTED** to send Nichols a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Nichols may use this form to file his second amended complaint if he chooses to do so.

7. The time to serve process under Federal Rule of Civil Procedure 4(m) is
EXTENDED to the date the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.
United States District Judge